

Message Text

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ACTION EUR-12

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AMCONSUL ADANA
AMCONSUL ISTANBUL
AMCONSUL IZMIR
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E.O.11652: N/A
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SUBJECT: TURKISH COMMUNICATION ON ICJ JURISDICTION IN
AEGEAN DISPUTE WITH GREECE

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REF: ANKARA 3192 (DTG 251315 APR 78)

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1. THERE FOLLOWS BELOW THE TEXT OF A NOTE CIRCULATED BY
THE TURKISH DELEGATION CONCERNING ANKARA'S VIEWS ON ICJ
JURISDICTION IN THE AEGEAN. THESE VIEWS WERE COMMUNICATED
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TO THE COURT ON APRIL 24 BY THE TURKISH EMBASSY IN THE
HAGUE (REFTEL).

2. BEGIN TEXT:

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AS IT WILL BE RECALLED, ON THE 10 AUGUST 1976 GREECE HAS
INSTITUTED PROCEEDINGS AT THE INTERNATIONAL COURT OF

JUSTICE, REGARDING THE AEGEAN CONTINENTAL SHELF. THE COURT REJECTED THE GREEK REQUEST CONCERNING THE INTERIM MEASURES OF PROTECTION ABOUT THE TURKISH RESEARCH VESSEL MTA SISMİK-I AND BY THE SAME ORDER OF 11TH SEPTEMBER 1976 HAS FORESEEN THAT BEFORE ENTERTAINING THE SUBSTANCE OF THE MATTER IT SHALL TAKE A DECISION REGARDING ITS JURISDICTION.

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IN ACCORDANCE WITH THE TIME LIMITS SET BY THE COURT, GREECE HAS SUBMITTED TO THE COURT A MEMORIAL ON THE 18TH JULY 1977 COMPRISING ITS VIEWS ON THE COURT'S JURISDICTION. TURKISH VIEWS ON THIS QUESTION HAS BEEN COMMUNICATED TO THE COURT TODAY BY A LETTER OF THE TURKISH AMBASSADOR IN THE HAGUE.

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IN THE SAID LETTER IT IS STATED THAT, AS THE NOTES EXCHANGED BETWEEN THE TWO GOVERNMENTS INDICATE, THE GREEK APPLICATION WAS MADE BEFORE MEANINGFUL NEGOTIATIONS HAD STARTED AND THAT IT WAS FORESEEN TO SEEK A MUTUALLY ACCEPTABLE SOLUTION THROUGH MEANINGFUL NEGOTIATIONS.

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IT IS ALSO STRESSED IN THE SAME LETTER THAT THE UNITED NATIONS SECURITY COUNCIL, UPON THE GREEK APPLICATION WHICH WAS MADE SIMULTANEOUSLY WITH THEIR APPLICATION TO THE COURT ALSO RECOMMENDED THE PARTIES TO HOLD ABOVE ALL NEGOTIATIONS.

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FURTHERMORE, IN THE LETTER GIVEN TO THE COURT, REFERENCE IS MADE TO THE BERN AGREEMENT WHICH WAS CONCLUDED AFTER THE UNCLASSIFIED

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SAID SECURITY COUNCIL RESOLUTION AND WHICH DEFINED THE PROCEDURE OF THE NEGOTIATIONS. IT IS ALSO POINTED OUT THAT THE NECESSARY CONDITIONS FOR THE PURSUIT OF FRANK AND MEANINGFUL NEGOTIATIONS AND THE SPIRIT WHICH SHOULD GOVERN THE PARTIES DURING SUCH NEGOTIATIONS ARE NOT COMPATIBLE WITH THE CONTINUATION OF THE PROCEEDINGS AT THE COURT.

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IT IS LIKEWISE STATED IN THE LETTER THAT THE QUESTIONS EXISTING BETWEEN TURKEY AND GREECE IN THE AEGEAN ARE OF A HIGHLY POLITICAL NATURE SINCE THEY ARE CLOSELY RELATED TO THE DELICATE EQUILIBRIUM ESTABLISHED BY THE LAUSANNE TREATY OF 24 JULY 1923 AS WELL AS THE OVERALL TERRITORIAL AND POLITICAL RELATIONS OF THE TWO COUNTRIES.

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CONSEQUENTLY, IT IS STATED THAT THE TURKISH GOVERNMENT IS OF THE OPINION THAT UNDER THESE CIRCUMSTANCES THE INTERNATIONAL COURT OF JUSTICE IS NOT COMPETENT TO ENTERTAIN THE GREEK REQUEST AND THAT THE COURT HAS NOT BEEN PUT INTO THE POSITION OF CONTRIBUTING TO THE SOLUTION OF THE DIFFICULTIES EXISTING BETWEEN GREECE AND TURKEY.

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THEREFORE, THE COURT IS INFORMED THAT AN AGENT SHALL NOT

BE APPOINTED AND A COUNTER-MEMORIAL SHALL NOT BE PRESENTED,
FOR THE TURKISH GOVERNMENT IS CONVINCED THAT THE COURT
WILL NOT FAIL TO DECLARE THAT IT LACKS JURISDICTION ON
THIS MATTER. END TEXT. BENNETT

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